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“Did It Happen Because of Your Race or Sex?”

University Sexual Harassment Policies and the Move against Intersectionality

BERNADETTE MARIE CALAFELL

For women of color, sexual harassment is rarely, if ever about sex or sexism alone; it is also about race.

“*Why is she so angry?*”

This is what some of my “critically oriented” colleagues ask about me.

“*What has she become?*”

They speak of my “transformation,” individualizing my pain and experience rather than seeing it within a larger matrix of domination. *I was made this way by the academy.*¹ The first time I remember hearing the term *sexual harassment* was in the early 1990s, when Anita Hill and Clarence Thomas were everywhere in the media. I was in high school at the time, but I remember being compelled to listen to Hill’s testimony. There was something about it that resonated with me and left me with no doubt about the veracity of Hill’s claims. Little did I know that years later I would find myself in a position similar to Hill’s, my credibility attacked as I told my own story of sexual harassment and racial discrimination. While the coverage of Hill and Thomas in the media led to an increase in studies of sexual harassment in the academy, Richardson and Taylor note, “Ironically, while the accuser in the real-life drama was an African American woman, scholarly research generally does not include race, and particularly the intersections of race and gender, as a critical component of sexual harassment processes and experiences.”² The paucity of literature is even more startling given that women of color report higher rates of sexual harassment than white women, “ranging from 60% to 85%.”³ Following the call for more work that addresses the experiences of women of color who have been sexually harassed, I share my experiences.

It has been some time since that painful period of my academic life, and

the post-traumatic stress has calmed, but I still live with the scars and the taint against my reputation. However, in the almost ten years that have passed I have seen some victories. As a result of the charges filed against a senior white male colleague by me and two other women in my former department (one untenured and one tenured), and based on our recommendations regarding the process, my former place of employment is now revisiting their sexual harassment policies to consider how race intersects with sexual harassment.⁴ In my case the charges of sexual harassment and racial discrimination were separated, which worked in the favor of my harasser because a larger pattern of behavior was dispelled. I use my story as a queer Chicana in the academy to explore how gender inequity continues to exist, particularly for women of color, through institutionalized practices such as university sexual harassment and racial discrimination policies. My narratives help to illustrate Crenshaw's argument that women of color suffer gendered and racialized violence because of policies that don't take into account their intersectional identities.⁵ As Cho, Crenshaw, and McCall write, intersectionality exposes "how single-axis thinking undermines legal thinking, disciplinary knowledge production, and struggles for social justice."⁶ Building on this work, Buchanan and Ormerod have argued for the importance of studying what they term "racialized sexual harassment" in the lives of women of color.⁷ They argue, "Sexual and racial harassment may be combined in unique ways for African American women. Specifically, the cultural and historical contexts of slavery and sexualized stereotypes of African American women result in sexual harassment that is perceived as racially motivated."⁸ Describing examples of racialized sexual harassment from their research, Buchanan and Ormerod write:

The women reported that White coworkers and supervisors often felt free to be sexually explicit or request information about the participants' sex lives. . . . The women asserted that this behavior reflected an underlying assumption that African American women's sexual boundaries, both the behaviors they will engage in and their comfort in discussing sex, are looser than those of Caucasians.⁹

Though Buchanan and Ormerod write about African American women, their arguments can similarly be applied to other women of color who must negotiate the role of what Patricia Hill Collins terms controlling images in the ways they are perceived.¹⁰ Hernandez further articulates the role of these images, arguing, "An understanding of the globalized stereotypes of women of color as sexual commodities must begin to be incorporated into the construction of sexual harassment claims, thereby beginning to get at the root of how gender is racialized."¹¹

To tell this story I draw on personal narratives to create an autobiographical performance that marks the moments of tension between my experiences and the institutional response to them. I have previously written about some of these experiences;¹² however, in this essay I focus on the disciplining nature of institutional and community practices that work against the lived intersectional experiences of women of color.

HOSTILE ENVIRONMENTS: WOMEN OF COLOR IN THE ACADEMY

Dziech and Weiner, in their landmark book *The Lecherous Professor*, argue, “University living is male living on male terms, and women discover that one of the easiest ways to violate those terms is to raise troublesome issues that call attention to gender.”¹³ This is further complicated when we consider that women of color in the academy also violate the norms of the academy through their racial or ethnic Otherness. As bell hooks writes, “We are still likely to be seen as intruders in the academic world who do not really belong.”¹⁴ Faculty of color are expected to assimilate into the university norms of whiteness,¹⁵ as universities may recruit for diversity but do nothing to change campus climates.¹⁶ Scholarship has demonstrated the multiple ways faculty of color are marginalized and discriminated against in the academy.¹⁷ From tenure disputes, to being overburdened with service, to being seen as less credible scholars, women of color must continue to fight for their rightful places in the academy.¹⁸ Norms of civility and collegiality that govern the academy further serve to keep faculty of color silent regarding the racism and sexism they may experience in the academy for fear of being constructed as problems or facing retribution come tenure time.¹⁹ Furthermore, faculty of color are often tokenized, especially when departments only hire one person of color because of the “unspoken fear that too many faculty of color will curtail the department’s rise to a superior academic reputation.”²⁰ Given all of this, faculty of color are put in precarious situations that in many cases set them up for failure. These situations are further exacerbated when policies that are supposed to “protect” faculty rights do not reflect the complexities of their identities. Dennis elaborates, “Under the current sexual harassment legal framework, given a certain set of facts, a Black woman may fail to meet her evidentiary burden to prevail on a claim of sexual harassment because she cannot prove the requisite severity level of harassment.”²¹ To explore these tensions and put a face to the arguments made by these authors, I turn to personal narrative and performative writing.

Corey argues that the personal narrative is one way to disrupt master narratives that govern society and serve as hegemonic norms.²² Personal narratives create spaces of resistance and possibility that center Other positionalities while having the capacity to rewrite master narratives.²³ They offer spaces for “talking back” to those in power.²⁴ These narratives center lived experiences: what Moraga and Anzaldúa refer to as theories in the flesh.²⁵ Theories in the flesh represent the ways women of color theorize through experience, honoring the importance of bodily knowledges. Elaborating upon theories in the flesh, Gloria Anzaldúa writes of the path of *conocimiento*, which involves

breaking out of your mental and emotional prison and deepening the range of perception [that] enables you to link inner reflection and vision—the mental, emotional, instinctive, imaginal, spiritual, and subtle bodily awareness—with social, political action and lived experience to generate subversive knowledges.²⁶

Theories in the flesh honor what Patricia Hill Collins terms everyday forms of intellectualizing that have been passed down across decades by women of color. Connecting to the theory in the flesh, Corey argues that “the narrative, in particular the personal narrative, expresses what appears to be a grounded truth based on experiences.”²⁷

In crafting the personal narratives I offer here, I drew upon the archive of documents from the years I was sexually harassed and racially discriminated against. These include e-mails, letters, and hearing transcripts, as well as my own notes. For issues of my own well-being and safety, and to protect some of the other innocent victims, I have modified some of the specifics of my experiences or left out details that could be telling. In crafting these narratives I utilize performative writing, which seeks to implicate the reader on the page through affective performances on the page.²⁸ Performative writing “often beckons empathy, allowing others not only to see what the writer might see but also to feel what the writer might feel. It is an invitation to take another’s perspective.”²⁹ Echoing a feminist ethic, “performative writing turns the personal into the political and the political into the personal. It starts with the recognition that individual bodies provide a potent database for understanding the political and that hegemonic systems write on individual bodies.”³⁰ My use of performative writing is also informed by a social justice ethic that calls for readers to be implicated in creating social change. Drawing on my notes, documents, and trial transcripts, I performatively retell and recreate important moments from my story of racialized sexual harassment.

DISPELLING A PATTERN: THE CHALLENGERS OF A
WOMAN OF COLOR PROVING SEXUAL HARASSMENT

When I started this position, the norms of the academy were new to me as I negotiated what I perceived to be the awkwardness of my class performance and what others perceived as the excess of my body, gender, race, and sexuality. It was only three years earlier that I had left my family for the first time to move across the country for a doctoral program. The experience of being away was traumatic for my family, as no one in our family had left Arizona for college or a job. Many did not understand my need to leave or why I didn't just come home and work in Phoenix after I finished my doctorate.

From the moment I started the position, it became clear to me that something was not right in the program. The department started the year off with discussions of diversity that all faculty and graduate students were required to attend. Though it seemed progressive at the time and gave me some hope, I later learned that this was required of the department for "bad behavior" in previous searches from which minority candidates withdrew their names and tenure-track positions were subsequently taken away. Ironically, during these talks I first experienced sexual harassment. The only person of color in the department, a senior male colleague, had been assigned as my mentor. He was called on to lead the discussion of diversity. As part of his talk he argued that we should diversify or challenge our understanding of what counts as research. He suggested for example that the department welcome the work I do as a performance studies scholar. From there things went downhill pretty quickly, "If Bernadette wants to stand naked in a cage in front of the building and call that research, we should accept that."³¹ Horrified on several levels, my face flushed red. I don't think I had even been in the department a month. Though I studied performance, I was not a performance artist, and his example was ridiculous. As I have noted in another context, "All it did was serve to Other me and put me on display, reifying stereotypical images of Latinas as oversexualized. He has misrepresented and transformed me in so many ways and represented me as a stereotypical Hollywood spitfire Latina who is overly sexual."³² The display of women of color's bodies is nothing new; one need only look at the case of Sarah Baartmann, whose body was displayed throughout Europe as the "Hottentot Venus" for her "exotic" sexual organs.

This incident happened in front of faculty, staff, and students. Multiple colleagues came to me privately after the incident to apologize for what had happened. I stayed home from work for the rest of the week, humiliated. I wondered if I had done something to signal that this behavior was acceptable. This reaction echoes work by Richardson and Taylor, who note, "A woman per-

ceiving herself as possessing low power or credibility concerns may interpret a sexually harassing behavior as something she unintentionally provoked.”³³ When I spoke to my department chair about the inappropriateness of my colleague’s behavior, he informed me that I should talk directly to him. He discouraged me from filing a formal complaint, insinuating that it would not be good for one faculty of color to file a complaint against the other, especially when there were only two of us. Reluctantly, I told my colleague that I did not appreciate his behavior and had talked to the chair about it. He then informed me that if he did not receive tenure (he was going up that year), it would be my fault. Like many men of color before him he played a game of racial politics, asking me to put aside my concerns about his sexism for the greater cause of racial solidarity.³⁴ Both he and the department chair disciplined me as they attempted to pull a racial trump card.

This incident seemed to open the door for other incidents of sexual harassment and racial discrimination. After some time the situation became untenable for me and the other women in the department. I was the central target of the majority of the sexual harassment, which included lumping my experiences in with those of the other woman of color, who had left the department before I arrived. The fact that I was the main target followed patterns that show that women of higher status may be perceived as being somewhat more protected from sexual harassment than those with lesser status.³⁵ I didn’t have tenure. I was not white. I was not straight. The list goes on. My harasser monitored my behavior by spying on me through the window and forcing his way into my office. He was particularly interested in my interactions with students of color. He physically assaulted them by pushing them into my door as they waited for me. He continued making inappropriate gendered and racist remarks and consistently challenged my judgments and experiences in the department.

The formal complaint arose from observations by visitors who had come to the department for a few days. We women faculty shared our stories, believing that speaking out would lead to the behavior being stopped. We believed this because of the key perpetrator’s long history of sexual harassment in the department and the general disdain for him felt by others in the university. The visitors contacted my dean, who filed the complaint on behalf of the women faculty.³⁶ The governing practice of the university defined sexual harassment in terms of quid pro quo and/or hostile work environment. Literature disseminated to faculty drew a clear distinction between sexual harassment and other forms of discrimination or harassment, such as those based on race, ethnicity, sexual orientation, or disability. The sexual harassment policy stated that “conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature,

frequency, intensity, location, context, and duration of the questioned behavior. Repeated incidents or a pattern of harassing behavior may be cause for serious corrective action.³⁷ What the policy ignored was how the pattern of behavior could include homophobia and racism as a part of a hostile work environment. Thus, as Dennis states, “Hostile environment sexual harassment involves offensive conduct which is motivated by the victim’s sex.”³⁸ According to the Equal Employment Opportunity Commission (EEOC), “A hostile work environment is created when unwanted gender-based behaviors become sufficiently pervasive that an employee perceives the general work environment to be hostile and/or his or her job performances has been negatively affected.”³⁹ The complaint was parceled by administration into two separate arenas: a complaint of sexual harassment with a focus on a hostile work environment and a charge of professional ethics violations, which focused on the racial and gender discrimination and homophobia charges. The sexual harassment/hostile work environment charges carried a much heavier weight than the professional ethics charges; however, our case was weakened because we could not discuss racialized sexual harassment, thus dispelling a pattern. As Crenshaw argues, “Feminist and antiracist politics have, paradoxically, often helped to marginalize” women of color.⁴⁰ Like Crenshaw, Dennis argues that work by scholars such as MacKinnon, though “important to the development of sexual harassment law, is nonetheless problematic for Black women who experience sexual harassment with racial overtones.”⁴¹ These flaws become apparent “when sexual harassment is addressed in litigation.”⁴² I quote Dennis at length to elaborate:

With respect to the unwelcome conduct, in order to prevail on a claim of sexual harassment, the plaintiff must demonstrate a sufficiently severe level of harassing conduct to warrant protection. Because the current construction of sexual harassment law presumes that sexual harassment occurs solely because of gender, and is not influenced by the race of the victim, only gender-directed behavior is considered in calculating the severity level. . . . The gender-based offensive conduct is then analyzed to determine whether it contributes independently to the required level of severity. The racial components are generally not considered in the ultimate calculation of severity.⁴³

Treatments of sexual harassment assume a generic woman victim, which leads to the default of position of whiteness.⁴⁴

The experiences I had were suddenly then divided by others, who determined whether they should be judged based on my ethnicity or my sex. For example, in one instance my colleague, the central harasser, came into the de-

partment office right before it closed and interrupted a conversation between myself and an undergraduate work study student. Somehow he managed to turn it into a discussion about prostitutes and pimps, echoing Buchanan and Ormerod's findings that racialized sexual harassment creates situations in which harassers view the sexual boundaries of women of color as loose. He proceeded to ask me where I thought pimps and "hos" got their clothes from, continuing to say "ho" over and over again and elaborate upon his question. This language struck a chord with me because as a woman of color I cannot count how many times the term "ho" has been used against women of color. His language was carefully chosen and racialized. However, according to the sexual harassment policies it was viewed solely as a potential space of violation based on my sex, and we were not allowed to address the racialized aspects of his comments or to put his behavior in the context of other racially motivated incidents that occurred in the department.

Cho has written about specific cases in which Asian American women who were sexually harassed in terms of both quid pro quo and hostile environment were subjected to racialized sexual harassment based in colonialist stereotypes.⁴⁵ Cho argues, "The law's current dichotomous categorization of racial discrimination and sexual harassment as separate spheres of injury is an inadequate to response to racialized sexual harassment."⁴⁶ This was certainly the case in my experience of fighting sexual harassment at the university.

At the time this incident happened, I held back for a short time before telling my colleagues. Not only was I embarrassed, but the frequency with which I was attacked had normalized this behavior for me. As Richardson and Taylor write, "The cost-benefit analysis for women of color may be qualitatively different for White men and women. Indeed, an overriding concern may be the fear of fulfilling negative, socially constructed stereotypes."⁴⁷

After being given the run-around and having our case stalled because the university literally had to make up procedures, it was decided that the sexual harassment claims would be addressed first. Following this there would be an investigation into the professional ethics violations. Coming to this point was not easy. We were continually emotionally beaten down by numerous individuals on campus. We were told by a high-ranking white "feminist" administrator that we could only win our case if one of us was "raped and murdered" on the quad (note she said this while laughing in my face). Another "feminist," this time a woman-of-color administrator who had been brought in with the "progressive" new white female chancellor, informed me that I would have to shut up and deal with this behavior because "I could aspire toward tenure," and then my rights would be guaranteed. All of these behaviors demonstrated that indeed whistle-blowing "is characterized as a threatening act of truth-telling that

disturbs the ethical autonomy of organizations . . . thereby challenging the bureaucratic authority, cohesiveness, and public image of an organization.”⁴⁸

After months and months it was decided that a hearing would occur in the summer, over several nonconsecutive days spread across months. We were not happy about the process, which continued to be unclear to us, and we were forced to hire an attorney.

A GLIMPSE INTO A SEXUAL HARASSMENT HEARING

I begin to read from the opening statement I have prepared. What do you say to a sexual harassment jury? I choose my words carefully in crafting my statement. I am the first to speak at the hearing. As I read, I note the judge glaring at me. From what I understand he is the tennis buddy of my harasser. He nods off from time to time during the hearing. Clearly he does not want to be here. I imagine my harasser and the judge in their male-bonding rituals. Two white men without a care in the world. My gaze moves to the all-white faculty panel/jury, who look irritated to be here during the summer. Do they realize this complaint was filed at the beginning of the school year, and it is the administration that has delayed the process? Will they take out their irritation on us? All of these thoughts flood my mind as I nervously read from my statement. As I read parts defining sexual harassment, I am silenced by the judge, who tells me I am not allowed to read the policy. After a bit of fighting I continue:

While in graduate school, I can tell you right now, that I never would have imagined sitting here in this panel detailing the things that happened to myself and my colleagues and the way that Professor Smith has behaved toward us. When you go to graduate school you have high hopes for academia. You believe in the process. You believe in lofty goals. I can tell you, that in the years I have been at this university I've become very upset and very shocked by what I've seen. Though I could talk about the professional ethics violations, what I understand is today's hearing is to be about sexual harassment. So I will concentrate the majority of my time on that. But I want you to understand that when we break up these charges it does a disservice to a larger pattern of intimidation and bullying that when read together cannot be dismissed as what some people call boorish behavior or bad judgment, particularly when Professor Smith was warned about this by several different department chairs.⁴⁹

I'm literally shaking. Exposed and vulnerable, I detail the many incidents that have occurred. Finally, I am winding down. The weight of all the stares will leave me. At least momentarily.

Sexual harassment and other behaviors that contribute to a hostile work environment often exist in gray areas; thus, they are not clear-cut. This instability, lack of naming, and lack of clarity give them power. Obviously it is much easier for a perpetrator to exist in the gray area rather than act in ways that are blatantly problematic. Dr. Smith has clearly dwelled, survived, and thrived in this gray area for some time. A sustained pattern of acts of intimidation and disrespect must be noted and stopped with appropriate action. Dr. Smith's behavior has left me literally sick and tired, questioning my future at the university. If this matter is not resolved in a fair and timely manner, I do not see a future at this university, which continues to pride itself on diversity but allows behavior and acts of intimidation such as these to persist. This is not an environment that is safe for female faculty, particularly young women of color. As a Chicana I am used to being devalued in society, I am even used to my research and teaching being devalued because they deal with issues of race and ethnicity, but I refuse to be mistreated and abused by a long-term colleague in my department. I refuse to participate in anybody's complicity with this behavior.⁵⁰

Every time I mention race, the judge admonishes me. I can barely finish reading my statement.

My colleagues and co-complainants share their own statements. One cries out of frustration. The tenured colleague tells of a long-term pattern of abuse. In my heart I know that my future at this university is limited. I am already public enemy number one and am not so subtly being pushed out. The department chair has met with graduate students to try to rally them against us. Colleagues whom I once considered friends, and socialized with on the weekends, no longer associate themselves with me publicly. They privately express support for me but in faculty meetings distance themselves from me or remain silent.⁵¹

During all of this pictures of me and the students of color I work with are placed on the Web site as demonstrations of the department's diversity. I ask that they be removed. The department chair asks me to send him names of students of color who can help him work a recruiting event. I say no. I will not contribute in any way when I know the university and department do nothing to support people of color. Even worse, despite the fact that we are engaged in a sexual harassment trial and an ongoing professional ethics investigation, the man who has made my life a living hell sits on my pretenure review committee. My pleas fall on deaf ears as the university seems more concerned with protecting the rights of my harasser. Even a letter from my

attorney does nothing to help with the situation. A white woman colleague in another department who sits on the committee jokes, "Hey, you are guaranteed tenure now, because if they don't give it you they know you will sue." I am not amused. As part of my review students are solicited to write letters about my teaching. These include students who have been asked by Professor Smith to write letters of support about his character. This, coupled with the attack against me led by the department chair in rallying the graduate students, has sealed it for me. The university's concern for protecting the rights of my harasser at the cost of my own may be the norm. Cho in her examination of similar cases writes, "The university's adversarial treatment of [Jenna] Jew, its inaction following the internal committee's findings, its futile appeal attempt, and its shouldering of the harasser's individual civil liability reflect a disturbing pattern whereby academic institutions circle the wagon to protect the harasser against the harassed."⁵²

For hours and hours the trial will continue with arguments about procedure that will work to keep any references of race outside of the trial. Letters from countless others who have experienced sexual harassment over the years will be read, and testimony from multiple witnesses will be heard. At the end of the day I am drained, wishing it was all over. However, I must wait another month before day two commences.

When the fall semester starts, I will begin my search for a new position. In the end I will be offered three positions. I will accept a position in a better department and university that provides me the opportunity to work with doctoral students and centers my work on women-of-color feminism and queerness. After I tell a colleague about my new job, he asks, "Who's there?" I answer, "Me." I answer defiantly and arrogantly to let him know that I still know my value even though this university has attempted to strip me of any sense of self-worth.

JUST ANOTHER DAY IN A SEXUAL HARASSMENT HEARING CONTINUED

We reconvene nearly a month later. It appears that the hearing is finally winding down. Today seems like it will be the last day of a hearing that has spanned nonconsecutively over an entire summer. Instead of writing and working on my research, I have been preparing statements and questions, talking with potential witnesses, and meeting with my lawyer. My nightmares and fears render me unable to even focus on research. Time on the tenure clock is wasted. During today's hearing the man who harassed me will trivialize race and ethnicity by calling himself "a child of Spain," as he makes reference to some dis-

tant relative who immigrated to the United States from Spain. He thinks he is marking himself with difference. How ironic that he is simply aligning himself with the colonizer. A mentor told me the best way to get out of a bad job was to write your way out. This summer has not contributed to this goal in any way. Instead countless hours have been devoted to the hearing and my anxieties about it. Of course my relationship is suffering.

The man who was assigned to me as my faculty mentor in the department, the only other person of color in the department, who had also contributed to the hostile work environment, has just been called as a witness by my harasser.⁵³ Of course since he was the only other person of color in the department, they decided that naturally he should be my mentor. Never mind that he does little to check his own male privilege. I do not trust him especially since he has suddenly decided to become friends with my harasser. The boys ride into work together now. I can only imagine their conversation. I look for signs of solidarity as he walks to the middle of the table and takes a seat. My harasser preens as he prepares for the show. The judge wakes up from his nap given that it's his tennis buddy's turn to take center stage in cross-examination of the witness. My harasser thinks he is a master of debate and argumentation.

And so it begins:

HARASSER: These women are alleging that the hostile work environment is also directed at people of color. Are you a person of color?

MY "MENTOR" (who is clearly a person of color): Yes. *Is this really happening? Unfortunately, yes. Of course all people of color experience marginalization the same, regardless of gender, sexuality, or class.*

HARASSER: It's obvious you are not a woman, but these bitches have the audacity to allege a hostile environment with a laundry list of identities.⁵⁴

JUROR: This is not relevant to the sexual harassment.

JUDGE: Unless he's linking up to hostile environment.

ME: We were told we couldn't discuss anything related to race or ethnicity, the professional ethics violations.

HARASSER: This is not a professional ethics argument.

ME: Yes, it is.

HARASSER: Well . . .

JUDGE: As part of the sexual harassment policy . . .

HARASSER: If you look at the first paragraph of the complaint, the allegation is broadly written to include persons of color, women of color, gays . . . (He mumbles to himself: *You know, all the degenerates that are plaguing the academy these days.*)

JUROR: That's the broad complaint that we're not allowed to talk about.

HARASSER: Sexual harassment is hostile environment, which is not exclusive to gender. In other words, I could create a hostile environment for persons who are — by sexual orientation. I can create a hostile environment theoretically. *He has created a hostile environment for everyone he could.* So if that the allegation the complainants are making, I should be allowed to . . . *Of course he knows all the ways he could create hostile environments. He has done them all.*

ME: Then we should be able to bring the witnesses for that if that was the case.

JUROR: We can only consider people that relate to sexual harassment.

HARASSER: Are you withdrawing the claim of sexual harassment against persons of color?

ME: No. But I'm saying that the complaint is very clear that there are two stages. Academic freedom and professional ethics violation, and there's sexual harassment. What we were told is that these were two separate things, there was a separate trial for that, and that we couldn't discuss things related to race, ethnicity, and such, which is why we didn't bring any witnesses for that.

The excerpt of trial transcripts (with my dramatization) demonstrates a tangible moment of the ways race was kept out of discussions of sexual harassment, which served to dispel larger patterns of a hostile work environment. It demonstrates how quasi-legal procedures in the university work against intersectional identities, reducing all women to the unstated norm of white womanhood, ignoring nuanced patterns of racialized sexual harassment. Additionally, the racialized aspects of the “pimps and hos” incident could not be addressed. Each time we tried to demonstrate instances of racialized sexual harassment, we were quickly admonished by the judge.

LEFT OUT TO DRY: CAN THE MASTER'S TOOLS DISMANTLE THE MASTER'S HOUSE?

As we learned about the process for our hearing, it became clearer and clearer that we needed a lawyer. Initially, perhaps naively, we did not think this was going to be the case as the charges and investigation were brought forth by our dean. However, soon we began to see that all the work of making sure the case would go forward and preparing documents fell into our hands: one tenured faculty and two untenured tenure track faculty whose clocks were ticking. There was also little incentive for the university to treat us with any dignity or respect. Therefore, in a move of self-protection we felt it necessary to

hire an attorney. On faculty salaries we would not be able to pay hefty lawyer fees, so we hired an attorney only after the dean assured us the fees would be paid for by the college. Even still we did most of the legwork for the case, only relying on the attorney when necessary.

Once our case had been resolved, we received notice from our lawyer that his bill had not been paid and was due within a few days. When we contacted the dean's office about getting the bill paid, they balked, saying it was our responsibility to pay the bill. Given the change in attitude of the administration, we had no choice but to e-mail back, sharing that if the bill wasn't paid we would have to hold a "women of Communication Studies legal defense fund" bake sale on the quad. Within minutes our e-mail was answered, and we were instructed to call the associate dean, who would see that the bill was paid. Richardson and Taylor draw on Tretheway's work on organizational resistance to theorize resistance through voice. Resistance is defined as "isolated acts or gestures that enable momentary evasion of patriarchal power and structures."⁵⁵ Our drawing on stereotypical feminine activities as a means of resistance functioned as a momentary space of organizational resistance against all the discipline and retribution we had faced.

The evidence presented regarding the acts and behaviors complained of did not meet the definition of sexual harassment set forth by the University's sexual harassment policy.

I read the words with disbelief. I had been certain without a doubt that our case would be proven. However, when it was all settled we lost our sexual harassment case despite proving a pattern that spanned years and providing witnesses across those years. Not surprisingly, Ontiveros notes, "The legal system's perception of women of color affects cases of workplace harassment brought by these women. . . . Judges and juries tend to disbelieve what they say; the dominant culture's construct of their sexuality influences the cases' outcomes."⁵⁶ As the jury was quick to remind us in their findings, they could not consider charges that could fall under academic freedom and professional ethics violations such as racism and homophobia. Devastated by the findings, we would later be told by one of the jurors that the administration had made them find our harasser innocent. This did little to console me and made the meeting I had with the "progressive" white "feminist" chancellor before I left seem even more inauthentic, as she said she hoped things could change and I might consider coming back. What happened to us in this sexual harassment case echoes Richardson and Taylor's findings that "formal reporting as resistance was not a productive response" as "many organizational responses were less definitive and ultimately served to foster sexual harassment."⁵⁷

The only consolation was that our harasser was found guilty of the professional ethics violations, which was the less severe of the charges. The committee, which included a tenured woman of color from another department, recommended he be “removed from the life of the department.” Among the charges he was reprimanded for was his lack of sensitivity to gender and race and ethnicity issues. While there have been some limited sanctions by the university, including moving his office to another building, sadly he still remains a part of the department, continuing to teach there and serving on important committees at the university. Nothing has been tarnished for him, and the recommendations of the committee were virtually ignored. Unfortunately, the outcome of this case is not isolated, as many whistleblowers must deal with institutional apathy regarding complaints.⁵⁸

It has been several years since I left that position, but I have only recently recovered from the post-traumatic stress brought on by what I experienced.⁵⁹ For example, the year after I left that position I attended the national conference of my discipline and had intense fears that I would run into the man who had harassed me. When I saw a man who looked like him, I abruptly turned the other way out of fear. My sleep was disrupted, and the stress caused by this case led in part to the end of a long-term relationship. I felt vulnerable and exposed, as if everyone knew what had happened to me and blamed me. I would come to see how the larger academic culture continues to reward performance of hegemonic masculinity as I would be constructed as a problem or troublemaker by some of my former colleagues, who would quickly report, “We don’t have a problem,” or “It’s just a few bad people whom we have isolated.” The best, however, was, “The people who caused the problems have left.” At conferences people would make comments like, “I heard about you.” The things they would say echo research that finds that even though women of color are more likely to experience harassment, “they are less likely to be perceived as victims of sexual harassment.”⁶⁰ My reputation had been tarnished because “speaking carries sanctions as well, such as being called a bitch, disgruntled, a malcontent who insists on airing dirty laundry, who goes ‘outside’ to complain.”⁶¹ Like many other whistleblowers I suffer from conduct stigma: “perceived blemishes in individual behavior and personality.”⁶² Furthermore, McGlynn and Richardson cite a study by Rothschild and Miethe: “In their study of nearly 300 whistleblowers, 84% experienced severe depression or anxiety and experienced feelings of isolation and powerlessness.”⁶³

No other people of color have been hired since I left that department, but two white queer faculty have been recruited. Additionally, a white woman who occasionally studies people of color is now the “race” scholar of the de-

partment. They represent acceptable difference and do not perform any of the “racial excesses” I did.

I am no longer the same person. In part I am grateful because I am no longer afraid to talk back; however, I do not relish the disciplining I receive from others in the academy when I speak out against injustice. I am tired of being called a bitch, assumed to be the problem. An angry woman of color. I also have learned a great deal about having allies or forming feminist transracial alliances. The two white women colleagues who joined the case did not have to because they were not subjected to the same level of intimation and harassment I experienced. However, they literally put their bodies and careers on the line. The untenured colleague has also left the department. Only my senior colleague remains, socially isolated.

CONCLUSIONS

In this essay I have pointed to some examples of the ways current university sexual harassment policies act in favor of whiteness, further disempowering women of color. The narratives I offer here build upon and put a face to the work by scholars such as Crenshaw, who have argued that laws do not support intersectional identities. My purpose in writing this paper was twofold. As I have already mentioned, in part I have demonstrated how women of color are continually marginalized by university practices that work against the lived experiences of intersectional lives; however, I also wanted to call attention to how we think of activism.

Increasingly, I see graduate students, the future professoriate, become excited about service learning and participatory action research. While each of these may have some benefits, they also work to create for many students false dichotomies of what constitutes activist work. At times white feminist colleagues are lauded by students for this work, while the work of women of color is dismissed as somehow not political enough or not activist oriented. In response to a similar sentiment expressed by a student, I commented, “I exist in this space.” My presence, my teaching, and my research are acts of activism and disruption. I also point to how the engaged work of actively fighting sexism, homophobia, racism, and sexual harassment in the academy has resulted in the potential for a sexual harassment policy that may be more intersectional. I tell them about the politics and material evidence of talking back. I don’t say this in any way to congratulate myself. I say this because part of changing the academy includes not only changing the ways we understand social injustices that may happen but also recognizing the various forms that activism takes. We must embrace forms that move us away from a patronizing

vision that change only occurs when we leave the academy and enter into an Other community to “help fix it.” The tangible takeaway from our case is that through fighting the process and telling our stories, there is the possibility for systematic change to occur. Certainly in this case the personal narrative had the ability to shift the master narrative. However, more work must be done as several issues remain, including the role of citizenship in sexual harassment cases.⁶⁴ Dennis argues:

In an effort to acknowledge the role race may play in sexual harassment claims, recognition of an “interactive workplace harassment” claim in lieu of the traditional sexual harassment framework may be appropriate. . . . The interactive workplace harassment claim would be an effective substitute for the existing workplace harassment framework because it comprehensively redresses the harms suffered by a broad class of persons who suffer harassment due to the combination of race and gender.⁶⁵

I support Dennis’s suggestion. Certainly in my case it may have made a difference. I wrote this essay so that we can turn the gaze back to ourselves and consider how our own practices foster complicity with racism and sexism. If now is not the time, then when? How many more women of color need to be disciplined?

NOTES

1. Monica L. Ontiveros, “Three Perspectives on Workplace Harassment of Women of Color,” *Golden Gate University Law Review* 23 (1993): 817; Bernadette Marie Calafell, “Monstrous Femininity: Constructions of Women of Color in the Academy,” *Journal of Communication Inquiry* 36 (2012): 111–30, 119.

2. Brian K. Richardson and Juandalynn Taylor, “Sexual Harassment at the Intersection of Race and Gender: A Theoretical Model of the Sexual Harassment Experiences of Women of Color,” *Western Journal of Communication* 17 (2009): 249.

3. Nicole T. Buchanan and Alayne J. Ormerod, “Racialized Sexual Harassment in the Lives of African American Women,” *Women and Therapy* 25 (2002): 110.

4. Almost eight years later we learned from the university newspapers that the policies were being revisited because of recommendations made in a past case.

5. Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” *Stanford Law Review* 43 (1991): 1241–99.

6. Sumi Cho, Kimberlé Crenshaw, and Leslie McCall, “Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis,” *Signs* 38 (2013): 787.

7. Buchanan and Ormerod, “Racialized Sexual Harassment.”

8. Buchanan and Ormerod, “Racialized Sexual Harassment,” 111. See also Nicole

Buchanan, Isis H. Settles, and Krystle C. Woods, "Comparing Sexual Harassment Subtypes among Black and White Women by Military Rank: Double Jeopardy, the Jezebel, and the Cult of True Womanhood," *Psychology of Women Quarterly* 32 (2008): 347–61.

9. Buchanan, Settles, and Woods, "Comparing Sexual Harassment Subtypes," 114.

10. Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 2008).

11. Tanya Kateri Hernandez, "Sexual Harassment and Racial Disparity: The Mutual Construction of Gender and Race," *Gender, Race, and Justice* 4 (2000): 214.

12. See Calafell, "Monstrous Femininity."

13. Billie Wright Dziech and Linda Weiner, *The Lecherous Professor: Sexual Harassment on Campus*, 2nd ed. (Urbana: University of Illinois Press, 1990), 151.

14. bell hooks, *Teaching Critical Thinking: Practical Wisdom* (New York: Routledge, 2010), 101.

15. Gloria Kersey-Matusiak, "The Power of One Voice: Why Faculty of Color Should Stay in Small, Private Predominately White Institutions," in *A Long Way to Go: Conversations about Race by African American Faculty and Graduate Students*, ed. Darrell Cleveland (New York: Peter Lang, 2004), 120–30.

16. Evelyn Hu-DeHart, "Office Politics and Departmental Culture," in *Succeeding in the Academic Career: A Guide for Faculty of Color*, ed. Mildred Garcia (Westport CT: Greenwood, 2000), 27–38; Brenda J. Allen, Marc P. Orbe, and Margarita Olivas, "The Complexity of Our Tears: Dis/Enchantment and (In)difference in the Academy," *Communication Theory* 9 (1999): 402–29.

17. See Calafell, "Monstrous Femininity"; Bernadette Marie Calafell, "Mentoring and Love: An Open Letter," *Cultural Studies - Critical Methodologies* 7 (2007): 425–41; Bernadette Marie Calafell, "'Your Education Wipes Out Your Ethnicity': A 'White Woman of Color' in the Classroom," in *When Minorities Are Especially Encouraged to Apply*, ed. Darrell Cleveland (New York: Peter Lang, 2008), 93–102; Bernadette Marie Calafell, "When Will We All Matter? Exploring Race, Pedagogy, and Sustained Hope for the Academy," in *The Sage Handbook of Communication and Instruction*, ed. Deanna L. Fassett and John T. Warren (Thousand Oaks CA: Sage, 2010), 343–59; Gabriella Gutiérrez y Muhs, Yolanda Flores Niemann, Carmen G. González, and Angela P. Harris, eds., *Presumed Incompetent: The Intersections of Race and Class for Women in Academia* (Boulder: University of Colorado Press, 2012).

18. Latina Anónima, "Welcome to the Ivory Tower," in *Telling to Live: Latina Testimonios*, ed. Latina Feminist Group (Durham NC: Duke University Press, 2001), 218–23. For service requirements see Dwight McBride, *Why I Hate Abercrombie & Fitch: Essays on Race and Sexuality* (New York: New York University Press, 2005); Janice D. Hamlet, "Giving the Sistuh Their Due: The Lived Experiences of African-American Women in Academia," in *Nature of a Sistuh: Black Women's Lived Experiences in Con-*

temporary Culture, ed. Trevy McDonald and T. Ford-Ahmed (Durham NC: Duke University Press, 1999), 11–25. For credibility see Hamlet, “Giving the Sistuhs Their Due.”

19. Hamlet, “Giving the Sistuhs Their Due”; Annette Madlock Gatison, “Playing the Game: Communicative Practices for Negotiating Politics and Preparing for Tenure,” in *Still Searching for Our Mother’s Gardens: Experiences of New, Tenure-Track Women of Color at “Majority” Institutions*, ed. Marnel N. Niles and Nickesia S. Gordan (Lanham MD: University Press of America, 2011), 109–20.

20. Hamlet, “Giving the Sistuhs Their Due,” 15.

21. Andrea L. Dennis, “Note: Because I Am Black, Because I Am Woman: Remediating the Sexual Harassment Experience of Black Women,” *Annual Survey of American Law* 4 (1996): 560.

22. Frederick C. Corey, “The Personal: Against the Master Narrative,” in *The Future of Performance Studies: Visions and Revisions*, ed. Sheron Dailey (Annandale VA: National Communication Association, 1998), 249–53.

23. Corey, “Personal.”

24. bell hooks, *Talking Back: Thinking Feminist, Thinking Black* (Boston MA: South End Press, 1985).

25. Cherríe Moraga and Gloria Anzaldúa, eds., *This Bridge Called My Back: Writings by Radical Women of Color* (San Francisco CA: Aunt Lute Press, 1981).

26. Gloria E. Anzaldúa, “Now Let Us Shift . . . The Path of Conocimiento . . . Inner Works, Public Acts,” in *This Bridge We Call Home: Radical Visions for Transformation*, ed. Cherríe Moraga and Gloria Anzaldúa and AnaLouise Keating (New York: Routledge, 2000), 542.

27. Corey, “Personal,” 252.

28. See D. Soyini Madison, “Performing Theory/Embodied Writing,” *Text and Performance Quarterly* 19 (1999): 107–124; Della Pollock, “Performative Writing,” in *The Ends of Performance*, ed. Peggy Phelan and Jill Dolan (New York: New York University Press, 1998), 73–103; Ronald J. Pelias, “Performative Writing as Scholarship: An Apology, An Argument, An Anecdote,” *Cultural Studies - Critical Methodologies* 5 (2005): 415–24.

29. Pelias, “Performative Writing as Scholarship,” 419.

30. Pelias, “Performative Writing as Scholarship,” 420.

31. See Calafell, “Monstrous Femininity,” for a more elaborated discussion of this incident.

32. Calafell, “Monstrous Femininity,” 117.

33. Richardson and Taylor, “Sexual Harassment at the Intersection,” 261.

34. Richardson and Taylor, in “Sexual Harassment at the Intersection,” note that if the perpetrator is of the same racial or ethnic background as the victim, she or he is less likely to file a formal complaint.

35. Buchanan, Settles, and Woods, “Comparing Sexual Harassment Subtypes.”

36. Later the dean would be mysteriously removed from the complaint and the process stalled.

37. I quote from the sexual harassment policy at the university. However, for my own protection I cannot include a proper citation.

38. Dennis, "Note," 8.

39. Krystle Woods, Nicole T. Buchanan, and Isis H. Settles, "Sexual Harassment across the Color Line: Experiences and Outcomes of Cross- versus Intra-racial Sexual Harassment among Black Women," *Cultural Diversity and Ethnic Minority Psychology* 15 (2009): 67.

40. Crenshaw, "Mapping the Margins," 1245.

41. Dennis, "Note," 565.

42. Dennis, "Note," 565.

43. Dennis, "Note," 569–70.

44. Harsh K. Luthar, Jasmine Tata, and Eileen Kwesiga,, "A Model for Predicting Outcomes of Sexual Harassment Complaints by Race and Gender," *Employee Responsibilities and Rights* 21 (2009): 21.

45. Sumi K. Cho, "Converging Stereotypes in Racialized Sexual Harassment: Where Model Minority Meets Suzie Wong," in *Critical Race Feminism: A Reader*, 2nd ed., ed. Adrienne K. Wing (New York: New York University Press, 2003), 349–36.

46. Cho, "Converging Stereotypes," 358.

47. Richardson and Taylor, "Sexual Harassment at the Intersection," 261.

48. Joseph McGlynn III and Brian K. Richardson, "Private Support, Public Alienation: Whistle-Blowers and the Paradox of Social Support," *Western Journal of Communication* (2013): 3.

49. The name has been changed to protect the guilty.

50. For a discussion of the gray area see Joshua Atkinson and Bernadette Marie Calafell, "It Was Darth Vader, Not Me! Anakin Skywalker's Avoidance of Responsibility and Hegemonic Masculinity in the *Star Wars* Universe," *Communication, Culture, and Critique* (2009): 1–20.

51. McGlynn and Richardson, in "Private Support," note that private support, public alienation, and diminished social support are common themes among experiences of whistleblowers.

52. Cho, "Converging Stereotypes," 358. See also Robin Clair, "The Bureaucratization, Commodification, and Privatization of Sexual Harassment through Institutional Discourse," *Management Communication Quarterly* 7 (1993): 123–57; Gary Namie and Ruth Namie, *The Bully at Work: What You Can Do to Stop the Hurt and Reclaim Dignity on the Job* (Naperville IL: Sourcebooks, 2000).

53. See Calafell, "Monstrous Femininity."

54. I have taken some creative license here to reflect the tone and mood.

55. Richardson and Taylor, "Sexual Harassment at the Intersection," 263.

56. Ontiveros, "Three Perspectives on Workplace Harassment," 824.
57. Richardson and Taylor, "Sexual Harassment at the Intersection," 265.
58. McGlynn and Richardson, "Private Support," 12.
59. Woods, Buchanan, and Settles argue that "the negative effects of sexual harassment may persist for years post harassment" ("Sexual Harassment across the Color Line," 68).
60. Richardson and Taylor, "Sexual Harassment at the Intersection," 249.
61. Sandra Faulkner, Bernadette Calafell, and Diane Grimes, "Hello Kitty Goes to College: Poems about Harassment in the Academy," in *Poetic Inquiry: Vibrant Voices in the Social Sciences*, ed. Monica Prendergrast, Carl Leggo, and Pauline Sameshima. (Rotterdam: Sense Publishers, 2009), 4.
62. McGlynn and Richardson, "Private Support," 4.
63. McGlynn and Richardson, "Private Support," 6.
64. For further discussion of issues of citizenship in sexual harassment cases please see Sandy Welsh, Jacque Carr, Barbara MacQuarrie, and Audrey Huntley, "'I'm Not Thinking of It as Sexual Harassment': Understanding Harassment across Race and Citizenship," *Gender and Society* 20 (2006): 87-107.
65. Dennis, "Note," 577.